IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.8130 OF 2004

1. Shri Dagdu @ Dattaram Ganpat Bamne
and ors. .. Petitioners

Vs

1. Shridevi Somjai,
Janai, Kalkai Devasthan trust and ors. Respondents

Shri R.V.More with Mr G.H.Keluskar, for the petitioners.

Shri Rajiv Patel with Mr R.V.Bansode, for respondent nos 1 to 3.

Mr A.H.Palekar, AGP for respondent-State.

CORAM : D.B.BHOSALE,J.

DATE : 12th October, 2004.

PC:

1. Heard the learned counsel for the parties.

2. Mr.More, learned counsel for the petitioners, prayed for withdrawal of this writ petition and direction to the Assistant Charity Commissioner, Alibag to dispose of Enquiry Application No.1 of 2004 pending before him within timeframe. Mr Patil, learned counsel for the respodnents, has no objection for giving such direction. Hence, I pass the following order:

(i) The writ petition is allowed to be withdrawn.

(ii) The Assistant Charity Commissioner, Alibag to dispose of Enquiry Application No.1 of 2004 filed by the

respondent-trust under section 41-A of the Bombay Public Trusts Act, 1950 as expeditiously as possible and preferably within a period of three months from the date of receipt of this order.

(iii) The petitioners to communicate this order to the Assistant Charity Commissioner within two weeks from today.

(iv) The Assistant Charity Commissioner shall decide Enquiry Application No.1 of 2004 on merits in accordance with law and uninfluenced by the order impugned in the present writ petition.

(v) By consent of the learned counsel for the parties, the order that will be passed by the Assistant Charity Commissioner in Enquiry Application No.1/2004, shall remain stayed for a period of two weeks from the date of its pronouncement.

(vi) While passing this order, I shall not be understood to have examined the merits of the case.

. An authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE, J.)